

REMARKS

Acknowledgement of the claim to priority and receipt of the priority document filed April 19, 2004 is again respectfully requested.

Claims 1 and 2 have been combined and conforming amendments made in other claims. Also, submitted herewith is a Declaration by the inventor.

The claims were also rejected under 35 U.S.C. 103 over the Mulye PCT publication. It is respectfully submitted that this rejection is not tenable and should be withdrawn.

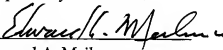
Mulye teaches one skilled in the art that a propylene glycol ester of a 6 to 18 carbon atom fatty acid in which the monoester is at least about 60% by weight and the diester is no greater than 40% by weight should be used. The composition of the present invention differs from this reference in two respects, namely that the fatty acid have from 8 to 10 carbon atoms and the monoester is less than 60 mole percent of the monoester/diester mixture. It will be appreciated from the fact that a mixture of 1 mole of monoester and 1 mole of diester, i.e., a 50/50 mole percent mixture, will contain more than 50 wt% diester, the amount of monoester in the present invention is outside the scope of Mulye. The reference points out, time and time again, that the monoester must be at least about 60% by weight. As discussed in paragraph 3 of the enclosed Declaration, Mulye teaches a composition containing less monoester is not storage stable. The passage on page 26, reference by the Examiner concerns compositions where the monoester is at least about 60% by weight. The Applicant surprisingly found that when the fatty acid had 8 to 10 carbon atoms and the monoester was less than 60 mole percent rather than greater than 60% by weight, the composition was storage stable. This result is also verified and

discussed in the Declaration. These results is clearly surprising, unexpected, unpredictable and unobvious.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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